

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT****(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.

14987

In Re Application Of: **Masayuki Kushita**

APR 22 2004

Serial No.

09/974,957

Filing Date

October 11, 2001

Examiner

Joseph T. Phan

Group Art Unit

2645

Title: **AUTOMATIC SOUND REPRODUCING FUNCTION OF CELLULAR PHONE****RECEIVED**

APR 27 2004

Address to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Technology Center 2600

**37 CFR 1.97(b)**

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

- ☒ the statement specified in 37 CFR 1.97(e);

**OR**

- ☐ the fee set forth in 37 CFR 1.17(p).

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**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☐ Charge the amount of \_\_\_\_\_
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*Anthony N. Fresco*  
Signature of Person Mailing Correspondence  
Anthony N. Fresco

\_\_\_\_\_  
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*Anthony N. Fresco*  
Signature

Dated: April 19, 2004

Anthony N. Fresco  
Registration No. 45,784

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343/4366 Fax

cc:

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

Docket No.  
14987

In Re Application Of: **Masayuki Kushita**

APR 22 2004

Serial No.  
09/974,957

Filing Date  
October 11, 2001

Examiner  
Joseph T. Phan

Group Art Unit  
2645

Invention: **AUTOMATIC SOUND REPRODUCING FUNCTION OF CELLULAR PHONE**

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TO THE COMMISSIONER FOR PATENTS:

Technology Center 2600

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

**Statement Under 37 CFR 1.97(e)(1)**

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

**Statement Under 37 CFR 1.97(e)(2)**

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*Anthony N. Fresco*  
Signature

Dated: **April 19, 2004**

**Anthony N. Fresco**  
Registration No. 45, 784

**Scully, Scott, Murphy & Presser**  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343/4366 Fax

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*Anthony N. Fresco*  
Signature of Person Mailing Correspondence

**Anthony N. Fresco**

Typed or Printed Name of Person Mailing Correspondence

ANF:yd

CC:



09/974,957

2645 #5  
VT  
5/5/04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Masayuki Kushita

**Examiner:** Joseph T. Phan

**Serial No.:** 09/974,957

**Art Unit:** 2645

**Filed:** October 11, 2001

**Docket:** 14987

**For:** AUTOMATIC SOUND  
REPRODUCING FUNCTION  
OF CELLULAR PHONE

**Dated:** April 19, 2004

**Confirmation No.:** 7590

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following references, which are listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Japanese Laid-Open Patent Application No. 9-325795, published December 16, 1997;
2. Japanese Laid-Open Patent Application No. 10-107923, published April 24, 1998;

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, Virginia 22313-1450 on April 19, 2004.

**Dated:** April 19, 2004

  
Anthony N. Fresco

3. Japanese Laid-Open Patent Application No. 9-252358, published September 22, 1997;


The references were cited in an Official Action dated February 10, 2004 received from the Japanese Patent Office. Applicant is submitting copies of the above-cited references, together with an English translation of the Examiner's comments regarding the references from the Official Action. Reference No. 4 cited in the Office Action, namely, Japanese Patent No. 6-30105 was previously submitted in applicant's Information Disclosure Statement dated October 11, 2001. The relevance of the references is described in the Official Action.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

09/974,957

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. §1.97(c)(1) and (e)(1), a statement is enclosed.

Respectfully submitted,

A handwritten signature in black ink that reads "Anthony N. Fresco". The signature is written in a cursive style with a large, stylized 'A' and 'F'.

Anthony N. Fresco  
Registration No. 45,784

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